

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

KENNETH MYNATT,)	
)	
Plaintiff,)	
v.)	No. 1:06-0049
)	JUDGE ECHOLS
TENNESSEE DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court is the Motion For Summary Judgment (Docket Entry No. 45), filed by Defendants Wayne Brandon, Michael F. Wood, Billy J. Hunnicut, and Larry Harper, to which Plaintiff Kenneth Mynatt did not file a response in opposition.

In a Report and Recommendation ("R&R") entered on May 6, 2008, the Magistrate Judge recommends that the Court grant the summary judgment motion filed in this 42 U.S.C. § 1983 civil rights case. The R&R states that these Defendants have shown they worked at the Turney Center Industrial Prison ("TCIP") in Only, Tennessee, and they had no control of, and were altogether uninvolved with, the decision whether Plaintiff should be placed in protective custody following his transfer from TCIP to West Tennessee State Penitentiary, where Plaintiff alleges he was assaulted by other inmates. Plaintiff did not file any objections to the R&R, even though the Court sent him a copy of the R&R and notified him of the time within which he would need to file any objections.

In reviewing an R&R where no objections are filed, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). Having carefully reviewed the record in this case, the Court finds that no error of fact or law appears in the R&R.

Defendants Tennessee Department of Correction, the West Tennessee State Penitentiary, and the Turney Center Industrial Prison and Farm Internal Affairs Office were previously dismissed with prejudice. Nicky Jordan, who was not named as a Defendant and who was not served with process, was dismissed without prejudice. (Docket Entry No. 35.) Accordingly,

(1) The R&R (Docket Entry No. 52) is hereby ACCEPTED.

(2) The Motion For Summary Judgment (Docket Entry No. 45), filed by Defendants Wayne Brandon, Michael F. Wood, Billy J. Hunnicut, and Larry Harper, is hereby GRANTED.

(3) Plaintiff's claims against Defendants Wayne Brandon, Michael F. Wood, Billy J. Hunnicut, and Larry Harper are hereby DISMISSED WITH PREJUDICE.

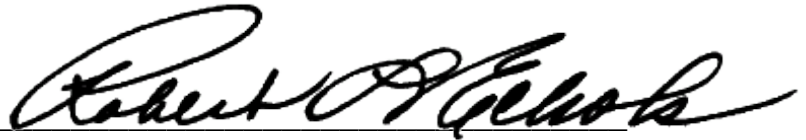
(4) Plaintiff's claims against individuals named in the Complaint but never served, "f/n/u McGambler," "f/n/u Loba," and "Shift Commander," are hereby DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 4(m).

(5) All other pending motions are hereby DENIED AS MOOT.

(6) As there are no remaining claims before the Court, this case is hereby DISMISSED in its entirety.

(7) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE